THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.23636 of 2007

Between:

Mullapudi Bapi Raju.

.. PETITIONER

and

The District Collector, West Godavari District and others.

.. RESPONDENTS

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ORDER:

It is the case of the petitioner that against the order passed by the Tahsildar, Nallalerla Mandal, West Godavari District, in proceedings in ROC.No.340/2007(DT), dated 31-08-2007, under Section 4(1) (a) of A.P.Assigned Lands (Prohibition of Transfers) Act, 1977 (for short "the Act"), in resuming the land admeasuring Ac.4-94 cents in R.S.No.75/3 situated at Nallajerla Village and Mandal, West Godavari District, on the ground that the said land was originally assigned in favour of one Sri Sahit Mastan Vali and the said assignee transferred the said land in favour of the petitioner in violation of sub-section (2) of Section 3 of the Act, the petitioner filed an appeal along with stay application before the 2nd respondent. But, the 2nd respondent while admitting the appeal, rejected the stay application through order, dated 28-09-2007 in Assignment Appeal Special Register No.(D) 24/2007. The petitioner questions the said order of the Appellate Authority, dated 28-09-2007.

I am of the opinion that when a statutory appeal has been filed under Section 4-A (1) of the Act and the petitioner is in possession of the land in question, it is not just and proper for the 2nd respondent to reject the stay application, pending disposal of the appeal.

Having regard to the facts and circumstances of the case, the order of the 2nd respondent, dated 28-09-2007, is set aside and the 2nd respondent is directed to consider and dispose of the appeal filed against the order of the 3rd respondent, dated 31-08-2007, in accordance with law, as expeditiously as possible, without any undue delay. Pending disposal of the appeal, the 3rd respondent is directed not to dispossess the petitioner from the land in question.

Accordingly, the writ petition is disposed of. There shall be no order as to costs.

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07-11-2007

Prv